



**US Army Corps
of Engineers**

Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: July 23, 2003

Expiration Date: August 17, 2003

Corps of Engineers Action ID: 199900339

Oregon Division of State Lands Number: 24156-FP

25-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GE (Ms. Merina Christoffersen)
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: Mr. Rick Ruggiero
Courtesy Development Co.
915 Broadway Suite 250
Vancouver, Washington 98660

Location: The site is northeast of the intersection of Renann Street and Edenbower Boulevard on Newton Creek, Mile 1.5; and in Roseburg, Douglas County, Oregon. The project is in Section 12, Township 27 South, Range 6 West.

Project Description: The project proposes to fill 3.10 acres of a 4.52-acres wetland adjacent to Newton Creek for construction of a restaurant on Lot 1; and medical facilities, office buildings, and parking lots on Lots 2, 3, 4, and 5. The wetland area is a shallow swale, which ultimately discharges via culverts in the southeast edge of the property into Newton Creek. The wetland area in the middle of the property site is avoided.

Mitigation: If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project. The mitigation plan submitted by applicant will be considered. The proposed mitigation would occur onsite and offsite. Onsite the applicant proposes to create 0.40 acres of palustrine emergent wetland on Parcel 1. The created wetland would be connected to 0.40 acres avoided palustrine emergent wetland and also to 0.30 acres avoided upland oak grove.

Offsite the applicant proposes to create 0.41 acres of palustrine emergent wetland and 0.10 acres of palustrine forested wetland. Offsite the applicant also proposes to enhance 1.3 acres of palustrine emergent wetland and 0.54 acres of palustrine forested wetland. The offsite creation and mitigation

will take place on Tax Lots owned by the city of Roseburg (a parcel south of Sherm's Thunderbird Market and a parcel south of Office Max). Additionally, the applicant proposes to create 2.53 acres of palustrine emergent slope/flats wetland and create and enhance 0.20 acres of Riverine plant community on Tax Lots owned by the city of Roseburg in the Newton Creek watershed. The total wetland mitigation will equal 5.48 acres (0.40 onsite and 5.08 offsite), with 1.42 acres avoided onsite, although it is not contiguous.

Purpose: The purpose of the project is to provide medical professional facilities and commercial development to the city of Roseburg.

Drawings: Seven (7) labeled #199900339.

Additional Information: Additional information may be obtained from Ms. Merina Christoffersen, Regulatory Project Manager, U.S. Army Corps of Engineers at (541) 465-6882 or email at merina.e.christoffersen@nwp01.usace.army.mil.

Authority: This permit will be issued or denied under the following:

Sections 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Endangered Species: Preliminary determinations based upon information supplied in the application indicate that the described activity will not affect endangered species or their critical habitat designated as endangered or threatened under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 199900339

Notice Issued: July 23, 2003

Oregon Division of State Lands Number: 24156-FP

Written Comments Due: August 17, 2003

WHO IS THE APPLICANT: Mr. Rick Ruggiero
Courtesy Development Co.
915 Broadway Suite 250
Vancouver, Washington 98660

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice.

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845, or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

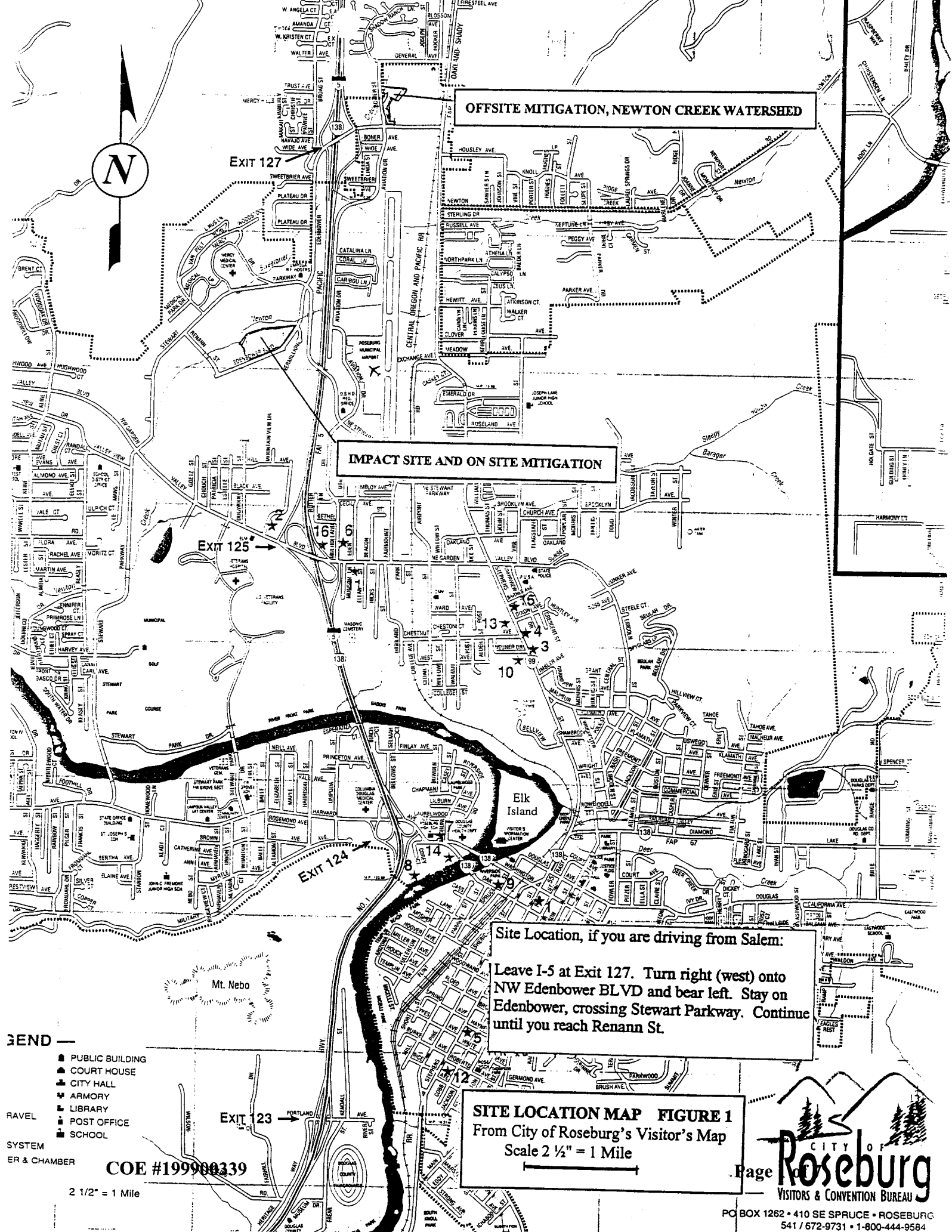
Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on August 17, 2003. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-6124. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format at deq.infor@deqstate.or.us. Otherwise due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.



OFFSITE MITIGATION, NEWTON CREEK WATERSHED

IMPACT SITE AND ON SITE MITIGATION

Site Location, if you are driving from Salem:

Leave I-5 at Exit 127. Turn right (west) onto NW Edenbower BLVD and bear left. Stay on NW Edenbower, crossing Stewart Parkway. Continue until you reach Renann St.

SITE LOCATION MAP FIGURE 1
From City of Roseburg's Visitor's Map
Scale 2 1/2" = 1 Mile



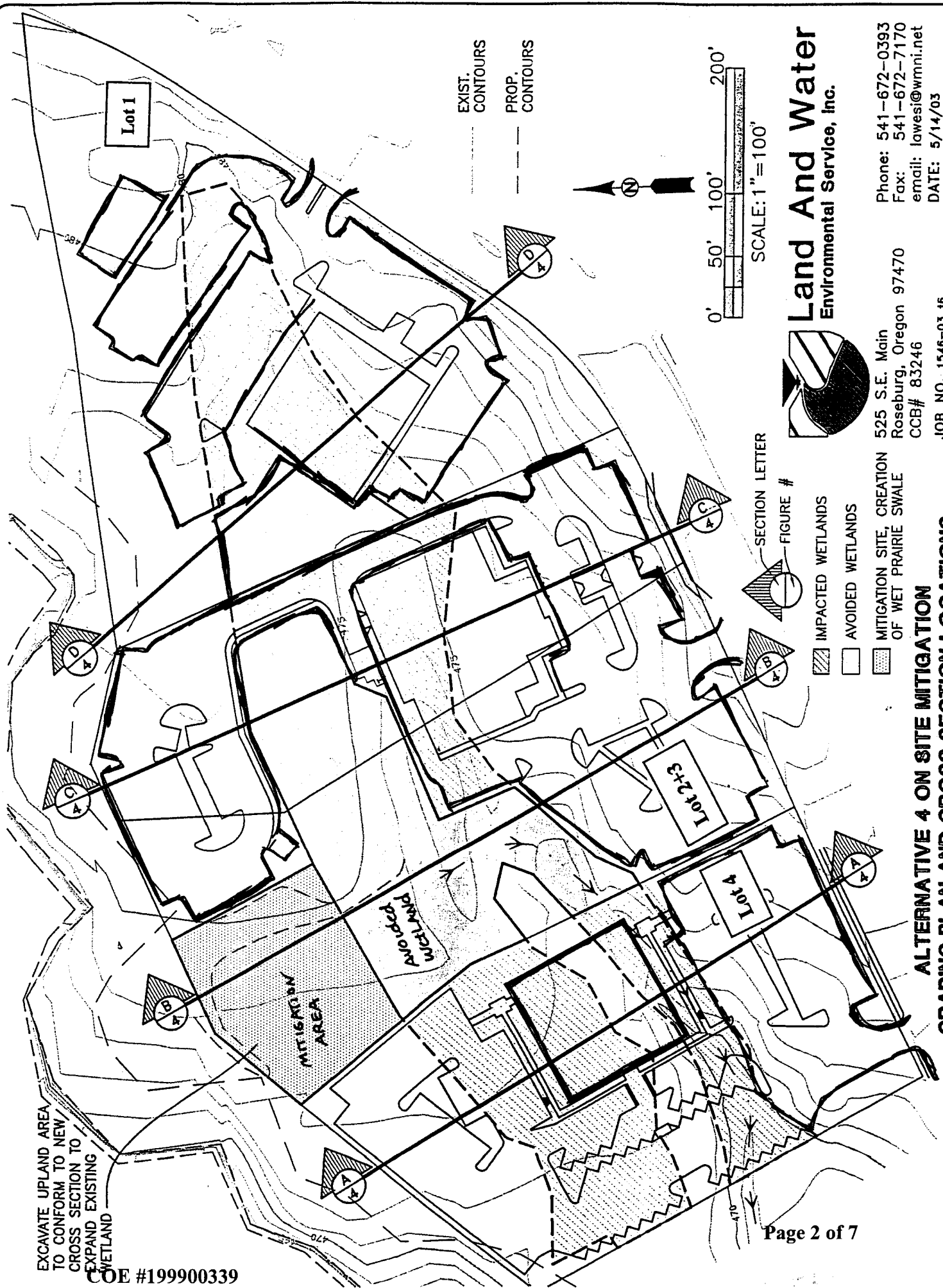
Page 1
PO BOX 1262 • 410 SE SPRUCE • ROSEBURG
541 / 672-9731 • 1-800-444-9584

COE #199900339

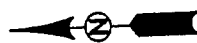
2 1/2" = 1 Mile

EXCAVATE UPLAND AREA
TO CONFORM TO NEW
CROSS SECTION TO
EXPAND EXISTING
WETLAND

COE #199900339



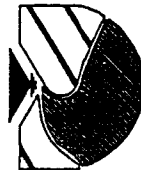
EXIST.
CONTOURS
PROP.
CONTOURS



0' 50' 100' 200'
SCALE: 1" = 100'

SECTION LETTER
FIGURE #

- IMPACTED WETLANDS
- AVOIDED WETLANDS
- MITIGATION SITE, CREATION
OF WET PRAIRIE SWALE

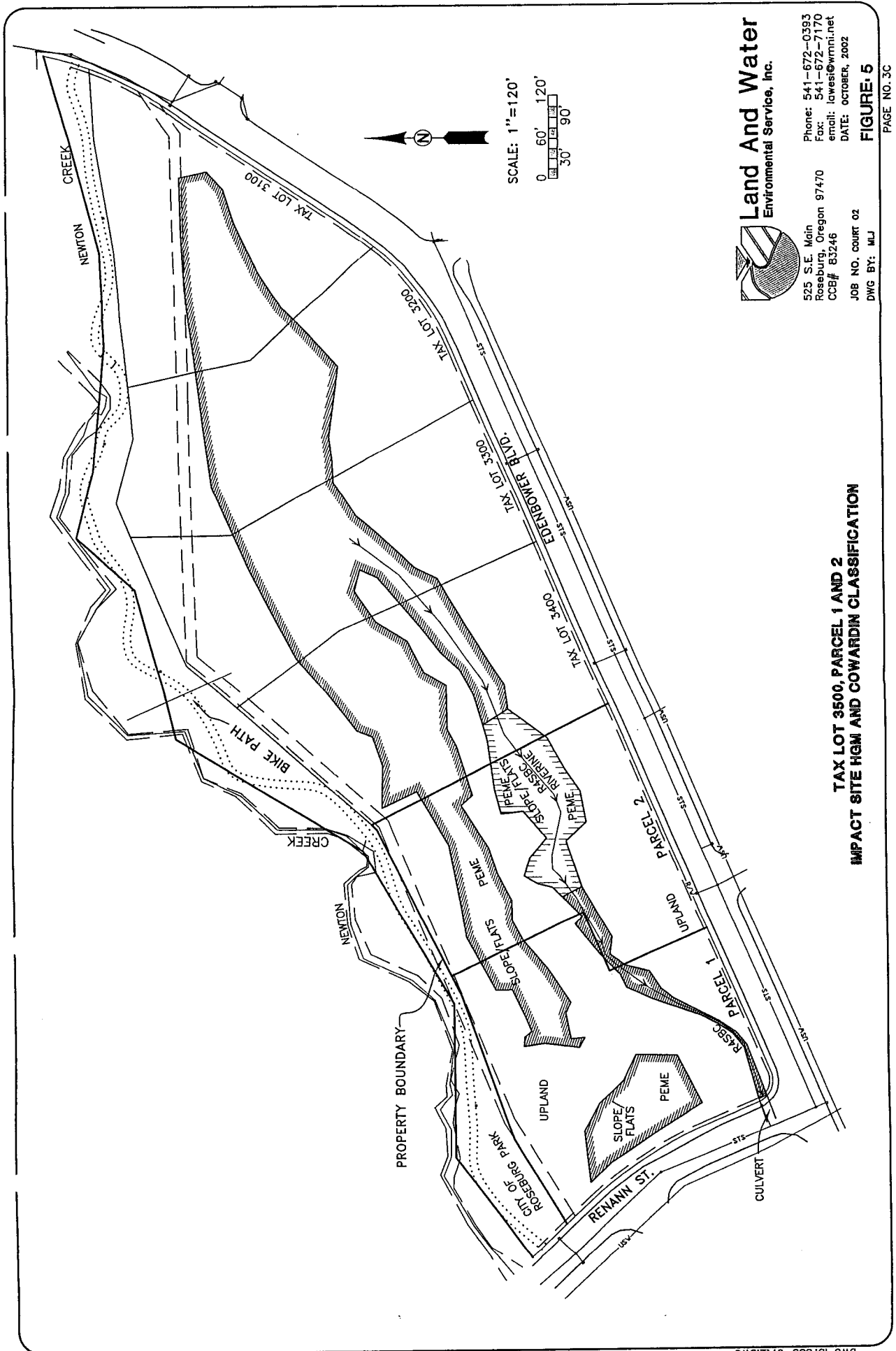


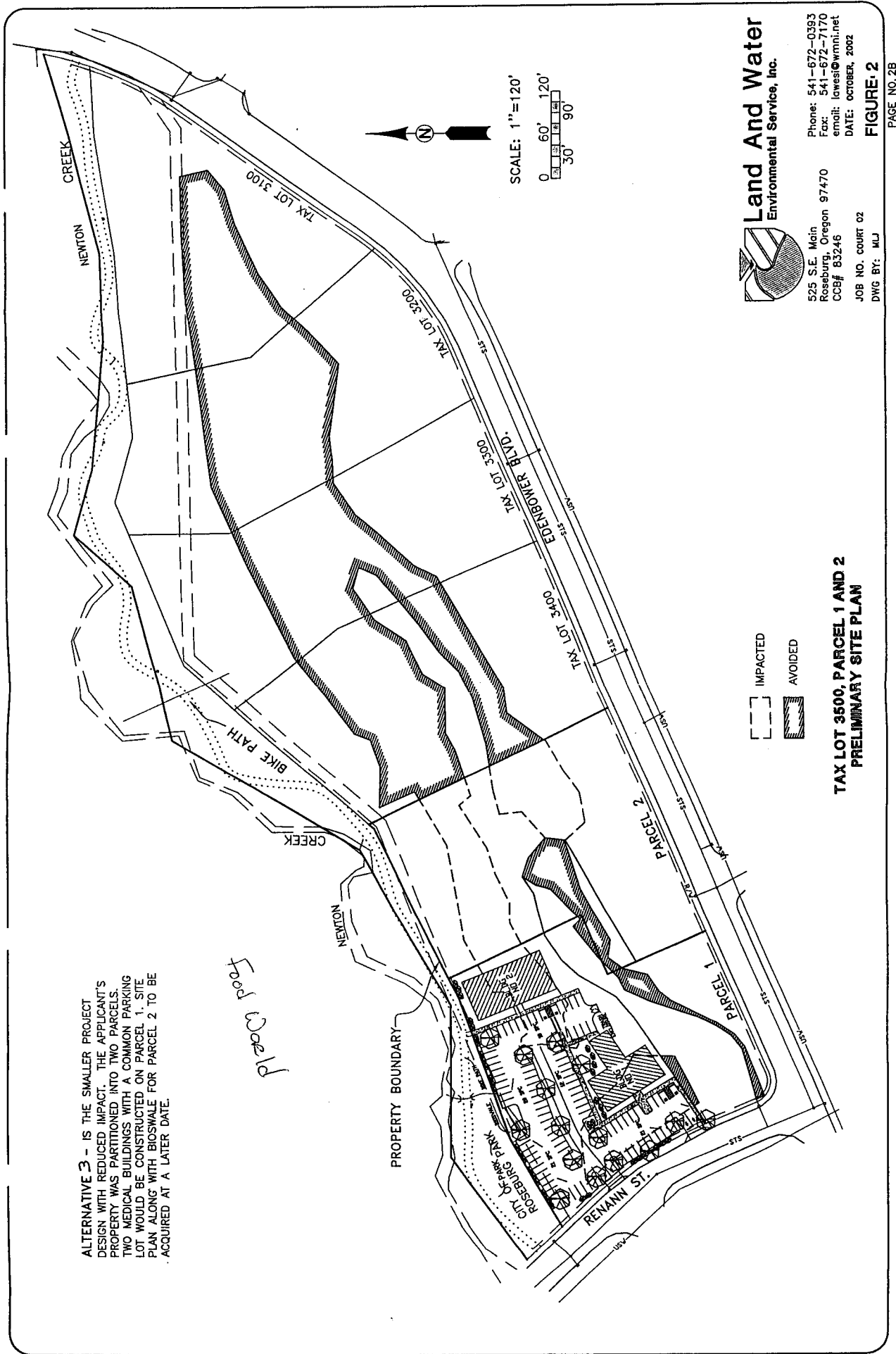
Land And Water
Environmental Service, Inc.

Phone: 541-672-0393
Fax: 541-672-7170
email: lawesi@wmni.net
DATE: 5/14/03
FIGURE: 4

525 S.E. Main
Roseburg, Oregon 97470
CCB# 83246
JOB NO. 1546-03 16
DWG BY: MLJ

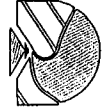
**ALTERNATIVE 4 ON SITE MITIGATION
GRADING PLAN AND CROSS SECTION LOCATIONS**







PROPOSED IMPACT SITE AND MITIGATION SITE



Land And Water
Environmental Service, Inc.

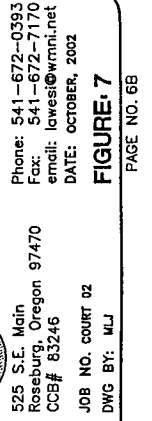
525 S.E. Main
Roseburg, Oregon 97470
CCB# 83246

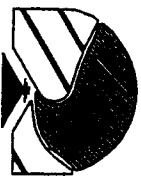
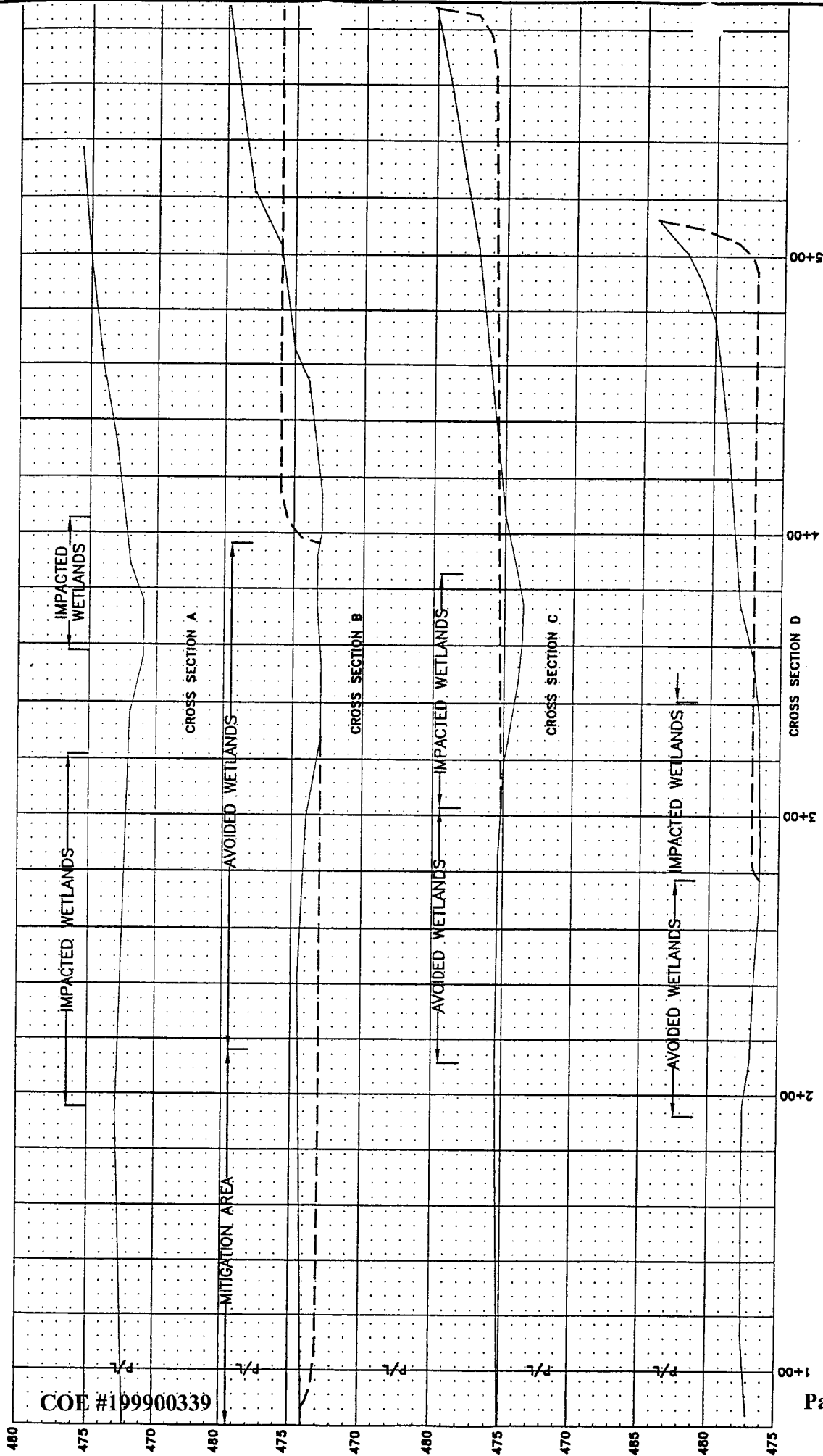
Phone: 541-672-0393
Fax: 541-672-7170
email: lawes@wvmini.net
DATE: OCTOBER, 2002

JOB NO. COURT 02
DWG BY: MLJ

FIGURE 2

PAGE NO. 1B





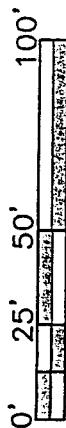
Land And Water
Environmental Service, Inc.

Phone: 541-672-0393
Fax: 541-672-7170
email: lawes@wmni.net
DATE: 5/14/03
FIGURE 5

525 S.E. Main
Roseburg, Oregon 97470
CCB# 83246
JOB NO. 1546-03 16
DWG BY: MLJ

**ALTERNATIVE 4 AND ON-SITE
MITIGATION AREA CROSS SECTIONS**

— EXIST. GROUND LINE
- - - PROP. GROUND LINE



SCALE: 1"=50'
1"=10' (VERTICAL)